



# REPORT

## THE CITY OF SAN DIEGO TO THE PARK AND RECREATION BOARD

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DATE ISSUED: February 18, 2016

REPORT NO: 101

ATTENTION: Park and Recreation Board

SUBJECT: Alcohol Restrictions and Curfew Implementation at Miscellaneous Park Sites

### SUMMARY

Issue – Should the Park and Recreation Board recommend that the San Diego City Council enact a 24 hour ban of alcohol consumption at Central Avenue Mini Park, Charles Lewis III Memorial Park, La Mirada (Joint Use), Coral Gate Neighborhood Park, Vista Pacifica Neighborhood Park, Ocean View Hills (Joint Use), Ocean View Hills Neighborhood Park, Cesar Solis Community Park, University Heights Point (along undeveloped Golden Gate Drive between Massachusetts Street and Delaware Street) and University Heights Open Space (City-owned parcel adjacent to the intersection of Cleveland Street and Golden Gate Drive). The San Diego City Council must amend Appendix 56.54A of the San Diego Municipal Code (§56.54) and add these parks in order to prohibit the consumption of alcoholic beverages on park property.

The Park and Recreation Board is also asked to consider whether to approve recommending that the San Diego City Council enact a nighttime curfew at University Heights Point (along undeveloped Golden Gate Drive between Massachusetts Street and Delaware Street) and University Heights Open Space (City-owned parcel adjacent to the intersection of Cleveland Street and Golden Gate Drive). If approved, the nighttime curfew would make it unlawful for any person to be on the grounds of the University Heights Point and University Heights Open Space from 10 p.m. until 6:00 a.m. from April 1 to October 31 and from 8:00 p.m. until 6:00 a.m. from November 1 to March 31. The San Diego City Council must amend the San Diego Municipal Code (§63.0120) in order to enact the nighttime curfew at these locations.

Director's Recommendation – The Department recommends extending the 24 hour prohibition of alcohol beverage consumption to the aforementioned parks, and a nighttime curfew at University Heights Point and University Heights Open Space.

### Other Recommendations

- On June 3, 2015, the Ocean View Hills Recreation Council voted unanimously to recommend approval a 24 hour alcohol ban at Vista Pacifica Neighborhood Park, Ocean View Hills (Joint Use), Ocean View Hills Neighborhood Park and Cesar Solis Community Park (Council District 8).

- On June 8, 2015, the San Ysidro Community Recreation Council voted unanimously to recommend approval a 24 hour alcohol ban at La Mirada (Joint Use) and Coral Gate Neighborhood Park (Council District 8).
- On October 20, 2015, the City Heights Recreation Council voted unanimously (1 abstention) to recommend approval a 24 hour alcohol ban at Central Avenue Mini Park (Council District 9).
- On October 27, 2015, the Chollas Lake Park and Recreation Council voted unanimously to recommend approval a 24 hour alcohol ban at Charles Lewis III Memorial Park (Council District 9).
- On November 18, 2015, the Community Parks Division II Area Committee voted unanimously to recommend approval of a 24 hour alcohol ban at Central Avenue Mini Park, Charles Lewis III Memorial Park, La Mirada (Joint Use), Coral Gate Neighborhood Park, Vista Pacifica Neighborhood Park, Ocean View Hills (Joint Use), Ocean View Hills Neighborhood Park and Cesar Solis Community Park.
- On December 3, 2015, the University Heights Recreation Council voted unanimously to recommend approval of a 24 hour alcohol ban and a nighttime curfew at University Heights Point and University Heights Open Space (Council District 3).
- On January 17, 2016, the Community Parks Division II Area Committee voted unanimously to recommend approval of a 24 hour alcohol ban and a nighttime curfew at University Heights Point and University Heights Open Space.
- On February 4, 2016, the University Heights Recreation Council voted unanimously to provide further specificity to the recommendation for the nighttime curfew.

Fiscal Impact – None

## BACKGROUND

Members of the community at Vista Pacifica approached City staff regarding concerns about consumption of alcoholic beverages at that neighborhood park. This prompted a review of the existing parks under the purview of the Ocean View Hills Recreation Council and the San Ysidro Community Recreation Council. It was discovered that a number of existing parks were not listed in the San Diego Municipal Code §56.54 as having any alcohol ban.

In addition to the existing parks, the Ocean View Hills Recreation Council, the City Heights Recreation Council and the Chollas Lake Park and Recreation Council voted to recommend that parks within their boundaries that are imminently coming on-line be included in the alcohol ban.

Subsequently, members of the community contacted the Department to request that an alcohol ban and nighttime curfew be extended to the parcels at University Heights Point (along undeveloped Golden Gate Drive between Massachusetts Street and Delaware Street) and University Heights Open Space (City-owned parcel adjacent to the intersection of Cleveland Street and Golden Gate Drive). The University Heights Recreation Council voted to recommend enacting a 24 hour consumption of alcoholic beverages prohibition, and a nighttime curfew Space from 10 p.m. until 6:00 a.m. from April 1 to October 31 and from 8:00 p.m. until 6:00 a.m. from November 1 to March 31.

The San Diego Municipal Code §56.54 stipulates that some parks are subject to a 12 hour ban, a 16 hour ban or a 24 hour ban. Park property that is not specifically listed in the Appendix is



not subjected to an alcohol ban. Consumption of alcoholic beverages in parks that have a 12 hour, 16 hour or 24 hour ban is still permissible pending a special event permit.

The San Diego Municipal Code §63.0120 stipulates that some parks are subject to a nighttime curfew. Park property that is not specifically designated in the Municipal Code is not subjected to a nighttime curfew.

#### DISCUSSION

The consumption of alcoholic beverages on public parks is governed by San Diego Municipal Code §56.54 in Chapter 5: Public Safety, Morals and Welfare (copy attached). The application of a nighttime curfew is governed by the San Diego Municipal Code (§63.0120) in Chapter 6: §63.0120 Public Works and Property, Public Improvement and Assessment Proceedings (copy attached).

#### ALTERNATIVES

Do not approve a 24 hour alcohol ban at Central Avenue Mini Park, Charles Lewis III Memorial Park, La Mirada (Joint Use), Coral Gate Neighborhood Park, Vista Pacifica Neighborhood Park, Ocean View Hills (Joint Use), Ocean View Hills Neighborhood Park, Cesar Solis Community Park, University Heights Point (along undeveloped Golden Gate Drive between Massachusetts Street and Delaware Street) and University Heights Open Space (City-owned parcel adjacent to the intersection of Cleveland Street and Golden Gate Drive). Another alternative is to extend a 16 hour (8:00 P.M. to Noon) or 12 hour (8:00 P.M. to 8:00 A.M.) ban at these sites.

Also, do not enact a nighttime curfew at the University Heights Point and University Heights Open Space from 10 p.m. until 6:00 a.m. from April 1 to October 31 and from 8:00 p.m. until 6:00 a.m. from November 1 to March 31. Another alternative is to extend an alternate nighttime curfew.

Respectfully submitted,



David Monroe  
Deputy Director  
Community Parks II Division



Prepared by: Manuel Gonzalez  
District Manager, District 42  
Community Parks II Division

DM/mg

- Attachment:
1. San Diego Municipal Code §56.54
  2. San Diego Municipal Code §63.0120
  3. Central Avenue Mini Park General Development Plan (GDP)
  4. Charles Lewis III Memorial Park (formerly Home Avenue Park) General Development Plan (GDP)
  5. La Mirada (Joint Use) General Development Plan (GDP)
  6. Coral Gate Neighborhood Park General Development Plan (GDP)

7. Vista Pacifica Neighborhood Park General Development Plan (GDP)
8. Ocean View Hills Neighborhood Park General Development Plan (GDP)
9. Cesar Solis Community Park (formerly Pacific Breezes Community Park),  
which includes the Ocean View Hills Joint Use General Development Plan  
(GDP)
10. University Heights Open Space Map

cc: Councilmember David Alvarez, Council District 8  
Councilmember Marti Emerald, Council District 9  
Councilmember Todd Gloria, Council District 3



- (b) Definitions. Whenever in this section the word “nude” is used, it shall mean devoid of an opaque covering which covers the genitals, pubic hair, buttocks, perineum, anus or anal region of any person, or any portion of the breast at or below the areola thereof of any female person.

Whenever in this section the term “public right of way” is used, it shall mean any place of any nature which is dedicated to use by the public for pedestrian and vehicular travel, and includes, but is not limited to, a street, sidewalk, curb, gutter, crossing, intersection, parkway, highway, alley, lane, mall, court, way, avenue, boulevard, road, roadway, viaduct, subway, tunnel, bridge, thoroughfare, square, and any other similar public way.

- (c) Nudity Prohibited. No person over the age of ten years shall be nude and exposed to public view in or on any public right of way, public park, public beach or waters adjacent thereto, or other public land, or in or on any private property open to public view from any public right of way, public beach, public park, or other public land.
- (d) The provisions of this section shall not apply to live theatrical performances performed in a theater, concert hall, or other similar establishment located on public land. As used in this section, theater, concert hall or similar establishment means a building, playhouse, room, hall or other enclosed place not open to public view from any public right of way but having a stage upon which movable scenery is located and theatrical, vaudeville or similar performances are given and seats so arranged that a body of spectators can have an unobstructed view of the stage and whose primary function is to give such performances.

(Amended 11-19-1979 by O-15083 N.S.)

#### §56.54 Alcoholic Beverage Consumption Prohibited in Certain Areas

- (a) Definitions. For purposes of sections 56.54, 56.55, and 56.56, the following terms are defined as follows:

“*Alcoholic beverage*” has the same meaning as that set forth in California Business and Professions Code section 23004.

“*Bather*” has the same meaning as that set forth in California Harbor and Navigation Code section 651.1.

“*Beach*” means the sand or land area bordering the water of an ocean or bay.

“*Marine league*” means three nautical miles.

“*Public park*” means any property designated, dedicated or developed by or on behalf of the City of San Diego for park or open space use.

“*Seawall*” means any wall between the beach and the boardwalk.

“*Sidewalk cafe*” has the same meaning as that set forth in San Diego Municipal Code section 141.0621.

“*Vessel*” has the same meaning as set forth in California Harbor and Navigation Code section 651(aa).

- (b) Unless the City Manager or designee has issued a special event permit, or unless otherwise permitted by section 56.54, it is unlawful for any person to consume any *alcoholic beverage* at any time, upon any public property, not including *public parks* and *beaches* except as specifically listed in Appendix 56.54A, and public rights-of-way, including but not limited to public streets, parking lots, sidewalks, alleys, plazas, piers, including on or against *seawalls*, and including all sidewalks along the outer perimeters of such areas.
- (c) 12 Hour Ban  
It is unlawful to consume alcohol in the areas listed in Appendix 56.54B between 8:00 p.m. and 8:00 a.m., unless the City Manager or designee has issued a special event permit or unless otherwise permitted by Section 56.54.
- (d) 16 Hour Ban  
It is unlawful to consume alcohol in the areas listed in Appendix 56.54C between 8:00 p.m. and Noon, unless the City Manager or designee has issued a special event permit or unless otherwise permitted by Section 56.54.
- (e) Section 56.54 does not prohibit:
  - (1) any person from consuming *alcoholic beverages* within the defined boundaries of a *sidewalk cafe* located on the public right-of-way, or on property leased from the City.
  - (2) any business from lawfully selling or dispensing *alcoholic beverages* in accordance with the requirements of local and state law.
- (f) Notwithstanding any other provision of section 56.54 and its appendices, and except as provided in section 56.54(g), it is unlawful for any person to consume any *alcoholic beverage* at any time, upon all public *beaches*, including any sidewalks, boardwalks, alleys, plazas, piers, jetties, on or against *seawalls*, upon public rights-of-way at any *beach* or coastal bluff, and all coastal access, view point and bluff rights-of-way, and including the adjacent coastal *public parks* and areas listed below:

(8-2015)

**§63.0120 Nighttime Curfew for Certain Downtown Public Parks and the Spruce Street Pedestrian Bridge**

- (a) It is unlawful for any person to be on the grounds of the following parks from midnight until 6:00 a.m.: Children's Park, Gaslamp Square Park, Pantoja Park, Amici Park, the Children's Museum Park, Fault Line Park, and Cortez Hill Park.
- (b) It is unlawful for any person to be on the Spruce Street Pedestrian Bridge from 10:00 p.m. until 6:00 a.m.

*(Retitled from "Nighttime Curfew for Certain Downtown Public Parks" to "Nighttime Curfew for Certain Downtown Public Parks and the Spruce Street Pedestrian Bridge" and amended 11-27-2000 by O-18891 N.S.)*  
*(Amended 7-31-2009 by O-19891 N.S.; effective 8-30-2009.)*  
*(Amended 7-15-2015 by O-20539 N.S.; effective 8-14-2015.)*

**§63.0130 Periodic Temporary Park Closures**

- (a) As used in Section 63.0130, *turf area* means: an area of grass, which may also include dirt or soil, maintained for recreation or recreational activities.
- (b) Subject to Section 63.0130(c), and in accordance with policies and procedures for *turf area* closures as adopted by the City Manager and as amended from time to time, the City Manager shall close for renovation and maintenance the *turf areas* of the upper field at Allied Gardens Community Park, the Lower Lewis Middle School joint-use area, and Skunk Hollow, for at least thirty consecutive days each between May 1<sup>st</sup> and August 31<sup>st</sup> of each year, which areas are more specifically shown on the map on file with the Office of the City Clerk of the City of San Diego as Document No. 00-19175. Closure of these *turf areas* shall be determined by the City Manager and shall be staggered so that only one *turf area* is closed at a time.
- (c) Any *turf area* subject to a joint-use agreement or lease shall be closed only if the closure is in compliance with the terms of that joint-use agreement or lease, and only with the consent of any other party to the joint-use agreement or lease.

*(Amended 5-6-2003 by O-19175 N.S.)*



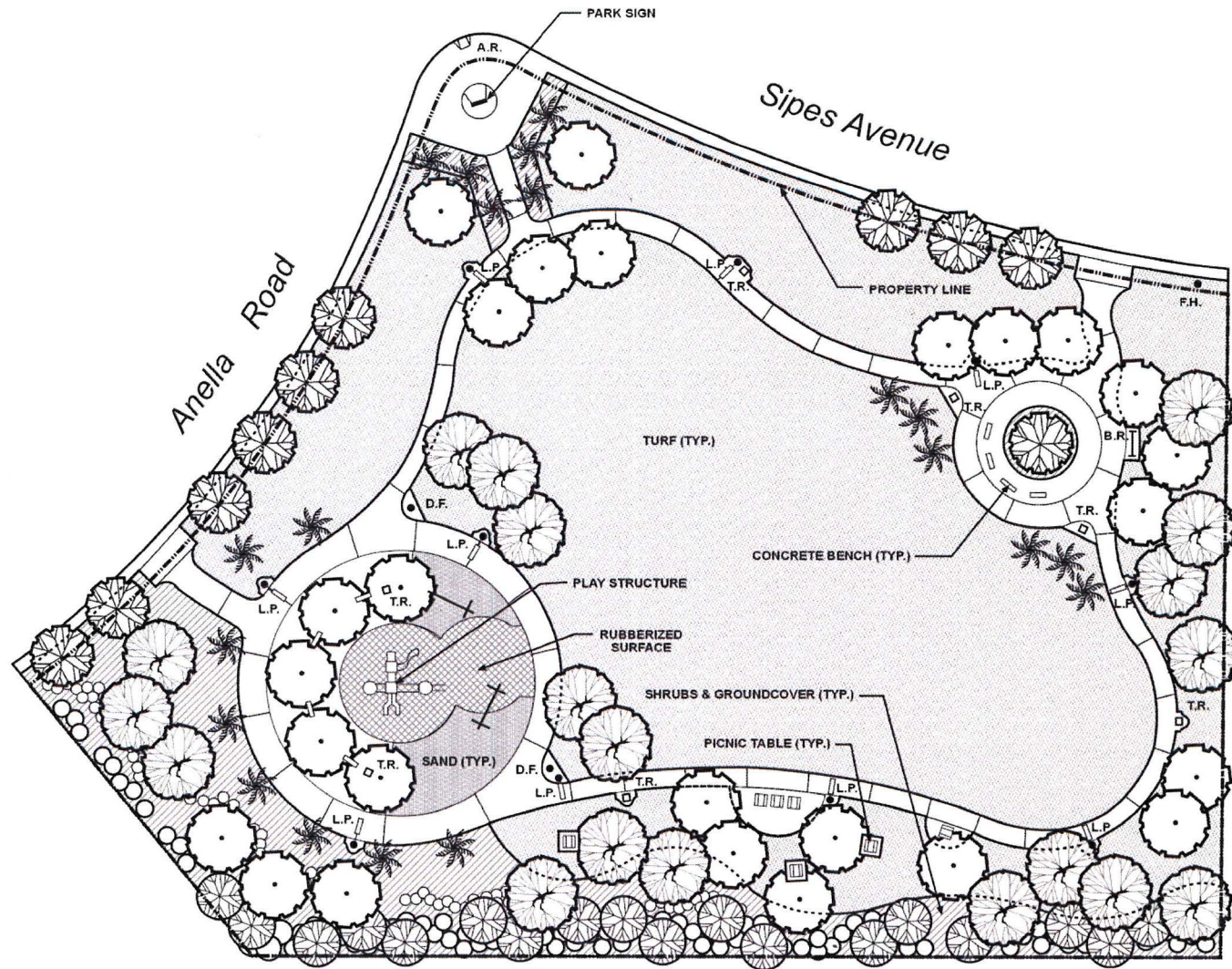
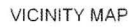




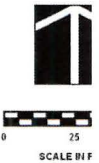








**ABBREVIATIONS:**  
**A.R. - ACCESS RAMI**  
**B.R. - BIKE RACK**  
**D.F. - DRINKING FOL**  
**F.H. - FIRE HYDRAN**  
**L.P. - LIGHT POLE**  
**T.R. - TRASH RECEP**



COMMUNITY PLAN AREA SAN YSIDRO

REFERENCE DOCUMENTS				
	RESO NO.	COST \$	<b>DONATED</b>	ACRES <b>3.00</b>
	ORD NO			ACRES <b>3.00</b>
H/RED OVAL	RESO NO. XX-XX-XX	NAME	<b>GILLESPIE DESIGN GROUP INC.</b>	
	PF&R APPROVAL XX-XX-XX	DATE:		
H/ENT	CIP NO XX-XX-XX	J/O NO. XX-XX-XX	DRWG. NO <b>29214-D</b>	
	CIP NO	J/O NO	DRWG. NO	
	CIP NO	J/O NO	DRWG. NO	
	CIP NO	J/O NO.	DRWG. NO	
	CIP NO	J/O NO.	DRWG. NO	
	CIP NO	J/O NO	DRWG. NO	

IMPROVEMENTS SUMMARY (DATA FROM AS-BUILT DRAWINGS)							
ITEM	QUANTITY	ITEM	QUANTITY	ITEM	QUANTITY	ITEM	QUANTITY
TOTAL SITE	3.00 AC.	TOT LOT	5,218 SF	PAVED WALKS	34,647 SF	SECURITY LTS.	10 STD.
IMPROVED AREA	3.07 AC.	MULTI PURPOSE CT.	SF	PARK ROADS	SF	BALLFIELD LTS.	STD.
TURF	1.69 AC.	TENNIS CTS	SF	PARKING LOT	SF	TENNIS COURT LTS.	STD.
GROUND COVER	.47 AC.	RESTROOM	SF	PARKING STALLS STANDARD		MULTI-PURPOSE CT.	STD.
NATURAL	AC.	REC. BLDG	SF	PARKING STALLS DISABLED		BACKSTOPS	EA.
D.G. PAVING	AC.	POOL BLDG	SF	COURT GAME AREA	SF	BENCHES	8 EA.
DIRT INFIELDS	AC.	POOL DECK	SF	LAWN EDGING	LF	PICNIC TABLES	7 EA.
		POOL WATER	SF	TRASH RECEPTACLES	7 EA.	DRINKING FOUNTAINS	2 EA.
						BICYCLE RACK	1 EA.
						REVISION	01/05/04 T.R.

CITY OF SAN DIEGO PARK AND RECREATION DEPARTMENT

## THE GENERAL DEVELOPMENT PLAN

***CORAL GATE***

NEIGHBORHOOD PARK

REVISION 01/05/04 TR

LAMBERT COORDINATES: 138-1753

THOMAS BROTHERS PAGE: 1350, F-5

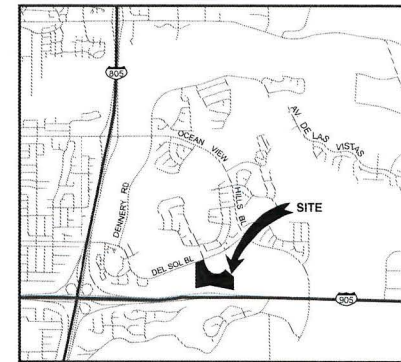
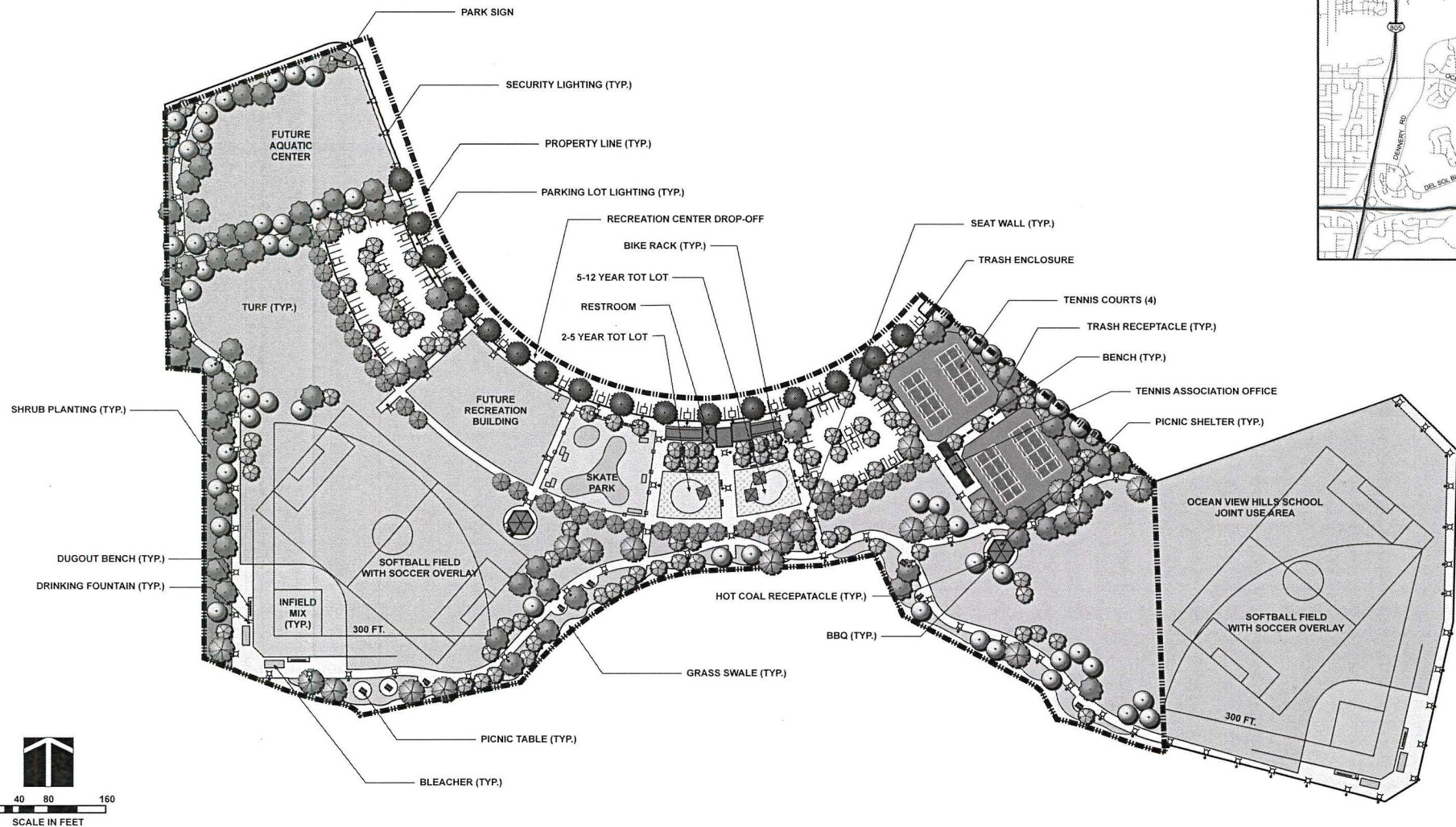












VICINITY MAP

COMMUNITY PLAN AREA: OTAY MESA

REFERENCE DOCUMENTS		
RESO. NO.	COST \$	ACRES:
ORD. NO		ACRES:
RESO. NO.	NAME: SCHMIDT DESIGN GROUP	
PF&R APPROVAL		
CIP NO. 29-541.0	J.O. NO. 295410	DRWG NO.
CIP NO.	J.O. NO.	DRWG NO.
CIP NO.	J.O. NO.	DRWG NO.
CIP NO.	J.O. NO.	DRWG NO.
CIP NO.	J.O. NO.	DRWG NO.
CIP NO.	J.O. NO.	DRWG NO.

IMPROVEMENTS SUMMARY (ESTIMATES)							
ITEM	QUANTITY	ITEM	QUANTITY	ITEM	QUANTITY	ITEM	QUANTITY
TOTAL SITE	AC.	TOT LOT	SF	PAVED WALKS	SF	SECURITY LTS.	STDS.
IMPROVED AREA	AC.	MULTI PURPOSE CT.	SF	PARK ROADS	SF	BALLFIELD LTS.	STDS.
TURF	AC.	TENNIS CTS.	SF	PARKING LOT	SF	TENNIS COURT LTS.	STDS.
SHRUB BED	AC.	RESTROOM	SF	PARKING STALLS STANDARD	169	MULTI-PURPOSE CT.	STDS.
NATURAL	AC.	REC. BLDG.	SF	PARKING STALLS DISABLED	7	BACKSTOPS	2 EA.
D.G. PAVING	AC.	POOL BLDG.	SF	COURT GAME AREA	SF	BENCHES	16 EA.
DIRT INFIELDS	AC.	POOL DECK	SF	LAWN EDGING	LF	PICNIC TABLES	12 EA.
		POOL WATER	SF	DRINKING FOUNTAINS	3 EA.	TRASH RECEPTACLES	4 EA.
				BICYCLE RACKS	2 EA.	LIGHTED BOLLARDS	EA.
						REVISION	11/03/06 T.R.

CITY OF SAN DIEGO PARK AND RECREATION DEPTMEN

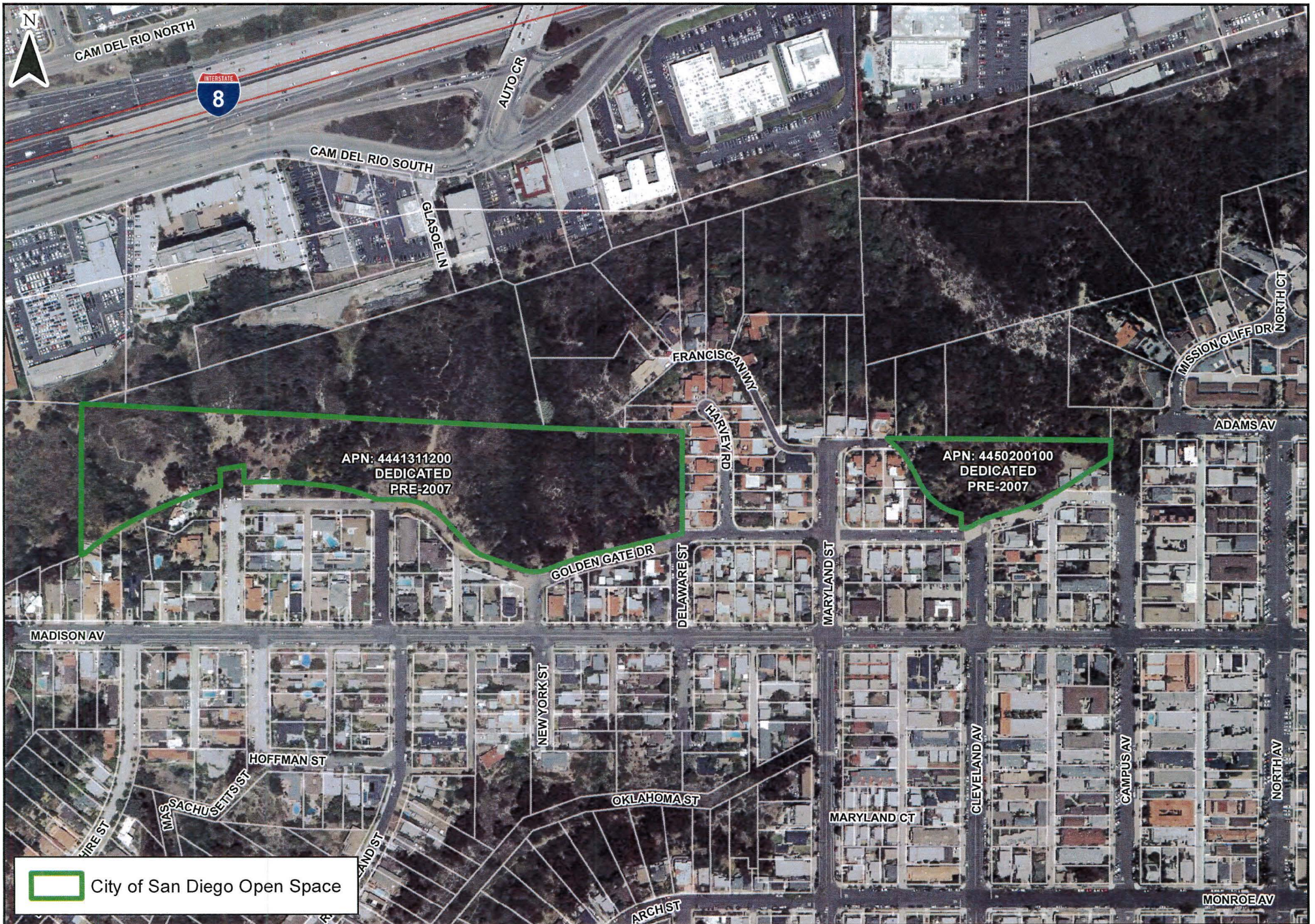
## THE GENERAL DEVELOPMENT PLAN

*PACIFIC BREEZE*

## COMMUNITY PARK

LAMBERT COORDINATES: 146-1759, 146-1761 THOMAS BROTHERS PAGE: 1350, J-1





Date: 1/26/2016



0 187.5 375 750  
Feet  
1:3,700

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